



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1285

Introduced 2/18/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/7A-1	from Ch. 46, par. 7A-1
10 ILCS 5/9-10	from Ch. 46, par. 9-10
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election from the first Tuesday in February of even-numbered years to the Tuesday that is the 70th day, or immediately preceding the 70th day, before the general election. Makes conforming changes with respect to (i) filing of declarations of judicial retention, (ii) filing of campaign finance reports, and (iii) printing and mailing of legislators' newsletters and brochures. Effective immediately.

LRB096 08761 JAM 18893 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 2A-1.1, 7A-1, and 9-10 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be
9 held on the first Tuesday after the first Monday of November;
10 and an election to be known as the general primary election
11 shall be held on the ~~first~~ Tuesday that is the 70th day, or
12 immediately preceding the 70th day, before the general election
13 ~~in February;~~

14 (b) In odd-numbered years, an election to be known as the
15 consolidated election shall be held on the first Tuesday in
16 April except as provided in Section 2A-1.1a of this Act; and an
17 election to be known as the consolidated primary election shall
18 be held on the last Tuesday in February.

19 (Source: P.A. 95-6, eff. 6-20-07.)

20 (10 ILCS 5/7A-1) (from Ch. 46, par. 7A-1)

21 Sec. 7A-1. Any Supreme, Appellate or Circuit Judge who has
22 been elected to that office and who seeks to be retained in

1 that office under subsection (d) of Section 12 of Article VI of
2 the Constitution shall file a declaration of candidacy to
3 succeed himself in the office of the Secretary of State on or
4 before the second ~~first~~ Monday in May ~~December~~ before the
5 general election preceding the expiration of his term of
6 office. Within 3 business days thereafter, the Secretary of
7 State shall certify to the State Board of Elections the names
8 of all incumbent judges who were eligible to stand for
9 retention at the next general election but failed to timely
10 file a declaration of candidacy to succeed themselves in office
11 or, having timely filed such a declaration, withdrew it. The
12 State Board of Elections may rely upon the certification from
13 the Secretary of State (a) to determine when vacancies in
14 judicial office exist and (b) to determine the judicial
15 positions for which elections will be held. The Secretary of
16 State, not less than 63 days before the election, shall certify
17 the Judge's candidacy to the proper election officials. The
18 names of Judges seeking retention shall be submitted to the
19 electors, separately and without party designation, on the sole
20 question whether each Judge shall be retained in office for
21 another term. The retention elections shall be conducted at
22 general elections in the appropriate Judicial District, for
23 Supreme and Appellate Judges, and in the circuit for Circuit
24 Judges. The affirmative vote of three-fifths of the electors
25 voting on the question shall elect the Judge to the office for
26 a term commencing on the first Monday in December following his

1 election.

2 (Source: P.A. 86-1348.)

3 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

4 Sec. 9-10. Financial reports.

5 (a) The treasurer of every state political committee and
6 the treasurer of every local political committee shall file
7 with the Board, and the treasurer of every local political
8 committee shall file with the county clerk, reports of campaign
9 contributions, and semi-annual reports of campaign
10 contributions and expenditures on forms to be prescribed or
11 approved by the Board. The treasurer of every political
12 committee that acts as both a state political committee and a
13 local political committee shall file a copy of each report with
14 the State Board of Elections and the county clerk. Entities
15 subject to Section 9-7.5 shall file reports required by that
16 Section at times provided in this Section and are subject to
17 the penalties provided in this Section.

18 (b) ~~This subsection does not apply with respect to general~~
19 ~~primary elections.~~ Reports of campaign contributions shall be
20 filed no later than the 15th day next preceding each election
21 or primary in connection with which the political committee has
22 accepted or is accepting contributions or has made or is making
23 expenditures. Such reports shall be complete as of the 30th day
24 next preceding each election or primary. The Board shall assess
25 a civil penalty not to exceed \$5,000 for a violation of this

1 subsection, except that for State officers and candidates and
2 political committees formed for statewide office, the civil
3 penalty may not exceed \$10,000. The fine, however, shall not
4 exceed \$500 for a first filing violation for filing less than
5 10 days after the deadline. There shall be no fine if the
6 report is mailed and postmarked at least 72 hours prior to the
7 filing deadline. For the purpose of this subsection, "statewide
8 office" and "State officer" means the Governor, Lieutenant
9 Governor, Attorney General, Secretary of State, Comptroller,
10 and Treasurer. However, a continuing political committee that
11 does not make an expenditure or expenditures in an aggregate
12 amount of more than \$500 on behalf of or in opposition to any
13 (i) candidate or candidates, (ii) public question or questions,
14 or (iii) candidate or candidates and public question or
15 questions on the ballot at an election or primary shall not be
16 required to file the reports prescribed in this subsection (b)
17 and subsection (b-5) but may file in lieu thereof a Statement
18 of Nonparticipation in the Election or Primary with the Board
19 or the Board and the county clerk ; except that if the
20 political committee, by the terms of its statement of
21 organization filed in accordance with this Article, is
22 organized to support or oppose a candidate or public question
23 on the ballot at the next election or primary, that committee
24 must file reports required by this subsection (b) and by
25 subsection (b-5).

26 (b-5) Notwithstanding the provisions of subsection (b) and

1 Section 1.25 of the Statute on Statutes, any contribution of
2 more than \$500 received ~~(i) with respect to elections other~~
3 ~~than the general primary election,~~ in the interim between the
4 last date of the period covered by the last report filed under
5 subsection (b) prior to the election or primary and the date of
6 the election or primary ~~(ii) with respect to general primary~~
7 ~~elections, in the period beginning January 1 of the year of the~~
8 ~~general primary election and prior to the date of the general~~
9 ~~primary election~~ shall be filed with and must actually be
10 received by the State Board of Elections within 2 business days
11 after receipt of such contribution. ~~A continuing political~~
12 ~~committee that does not support or oppose a candidate or public~~
13 ~~question on the ballot at a general primary election and does~~
14 ~~not make expenditures in excess of \$500 on behalf of or in~~
15 ~~opposition to any candidate or public question on the ballot at~~
16 ~~the general primary election shall not be required to file the~~
17 ~~report prescribed in this subsection unless the committee makes~~
18 ~~an expenditure in excess of \$500 on behalf of or in opposition~~
19 ~~to any candidate or public question on the ballot at the~~
20 ~~general primary election.~~ The committee shall timely file the
21 report required under this subsection beginning with the date
22 the expenditure that triggered participation was made. The
23 State Board shall allow filings of reports of contributions of
24 more than \$500 under this subsection (b-5) by political
25 committees that are not required to file electronically to be
26 made by facsimile transmission. For the purpose of this

1 subsection, a contribution is considered received on the date
2 the public official, candidate, or political committee (or
3 equivalent person in the case of a reporting entity other than
4 a political committee) actually receives it or, in the case of
5 goods or services, 2 business days after the date the public
6 official, candidate, committee, or other reporting entity
7 receives the certification required under subsection (b) of
8 Section 9-6. Failure to report each contribution is a separate
9 violation of this subsection. In the final disposition of any
10 matter by the Board on or after the effective date of this
11 amendatory Act of the 93rd General Assembly, the Board may
12 impose fines for violations of this subsection not to exceed
13 100% of the total amount of the contributions that were
14 untimely reported, but in no case when a fine is imposed shall
15 it be less than 10% of the total amount of the contributions
16 that were untimely reported. When considering the amount of the
17 fine to be imposed, the Board shall consider, but is not
18 limited to, the following factors:

19 (1) whether in the Board's opinion the violation was
20 committed inadvertently, negligently, knowingly, or
21 intentionally;

22 (2) the number of days the contribution was reported
23 late; and

24 (3) past violations of Sections 9-3 and 9-10 of this
25 Article by the committee.

26 (c) In addition to such reports the treasurer of every

1 political committee shall file semi-annual reports of campaign
2 contributions and expenditures no later than July 20th,
3 covering the period from January 1st through June 30th
4 immediately preceding, and no later than January 20th, covering
5 the period from July 1st through December 31st of the preceding
6 calendar year. Reports of contributions and expenditures must
7 be filed to cover the prescribed time periods even though no
8 contributions or expenditures may have been received or made
9 during the period. The Board shall assess a civil penalty not
10 to exceed \$5,000 for a violation of this subsection, except
11 that for State officers and candidates and political committees
12 formed for statewide office, the civil penalty may not exceed
13 \$10,000. The fine, however, shall not exceed \$500 for a first
14 filing violation for filing less than 10 days after the
15 deadline. There shall be no fine if the report is mailed and
16 postmarked at least 72 hours prior to the filing deadline. For
17 the purpose of this subsection, "statewide office" and "State
18 officer" means the Governor, Lieutenant Governor, Attorney
19 General, Secretary of State, Comptroller, and Treasurer.

20 (c-5) A political committee that acts as either (i) a State
21 and local political committee or (ii) a local political
22 committee and that files reports electronically under Section
23 9-28 is not required to file copies of the reports with the
24 appropriate county clerk if the county clerk has a system that
25 permits access to, and duplication of, reports that are filed
26 with the State Board of Elections. A State and local political

1 committee or a local political committee shall file with the
2 county clerk a copy of its statement of organization pursuant
3 to Section 9-3.

4 (d) A copy of each report or statement filed under this
5 Article shall be preserved by the person filing it for a period
6 of two years from the date of filing.

7 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,
8 eff. 1-1-09.)

9 Section 10. The General Assembly Compensation Act is
10 amended by changing Section 4 as follows:

11 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

12 Sec. 4. Office allowance. Beginning July 1, 2001, each
13 member of the House of Representatives is authorized to approve
14 the expenditure of not more than \$61,000 per year and each
15 member of the Senate is authorized to approve the expenditure
16 of not more than \$73,000 per year to pay for "personal
17 services", "contractual services", "commodities", "printing",
18 "travel", "operation of automotive equipment",
19 "telecommunications services", as defined in the State Finance
20 Act, and the compensation of one or more legislative assistants
21 authorized pursuant to this Section, in connection with his or
22 her legislative duties and not in connection with any political
23 campaign. On July 1, 2002 and on July 1 of each year
24 thereafter, the amount authorized per year under this Section

1 for each member of the Senate and each member of the House of
2 Representatives shall be increased by a percentage increase
3 equivalent to the lesser of (i) the increase in the designated
4 cost of living index or (ii) 5%. The designated cost of living
5 index is the index known as the "Employment Cost Index, Wages
6 and Salaries, By Occupation and Industry Groups: State and
7 Local Government Workers: Public Administration" as published
8 by the Bureau of Labor Statistics of the U.S. Department of
9 Labor for the calendar year immediately preceding the year of
10 the respective July 1st increase date. The increase shall be
11 added to the then current amount, and the adjusted amount so
12 determined shall be the annual amount beginning July 1 of the
13 increase year until July 1 of the next year. No increase under
14 this provision shall be less than zero.

15 A member may purchase office equipment if the member
16 certifies to the Secretary of the Senate or the Clerk of the
17 House, as applicable, that the purchase price, whether paid in
18 lump sum or installments, amounts to less than would be charged
19 for renting or leasing the equipment over its anticipated
20 useful life. All such equipment must be purchased through the
21 Secretary of the Senate or the Clerk of the House, as
22 applicable, for proper identification and verification of
23 purchase.

24 Each member of the General Assembly is authorized to employ
25 one or more legislative assistants, who shall be solely under
26 the direction and control of that member, for the purpose of

1 assisting the member in the performance of his or her official
2 duties. A legislative assistant may be employed pursuant to
3 this Section as a full-time employee, part-time employee, or
4 contractual employee, at the discretion of the member. If
5 employed as a State employee, a legislative assistant shall
6 receive employment benefits on the same terms and conditions
7 that apply to other employees of the General Assembly. Each
8 member shall adopt and implement personnel policies for
9 legislative assistants under his or her direction and control
10 relating to work time requirements, documentation for
11 reimbursement for travel on official State business,
12 compensation, and the earning and accrual of State benefits for
13 those legislative assistants who may be eligible to receive
14 those benefits. The policies shall also require legislative
15 assistants to periodically submit time sheets documenting, in
16 quarter-hour increments, the time spent each day on official
17 State business. The policies shall require the time sheets to
18 be submitted on paper, electronically, or both and to be
19 maintained in either paper or electronic format by the
20 applicable fiscal office for a period of at least 2 years.
21 Contractual employees may satisfy the time sheets requirement
22 by complying with the terms of their contract, which shall
23 provide for a means of compliance with this requirement. A
24 member may satisfy the requirements of this paragraph by
25 adopting and implementing the personnel policies promulgated
26 by that member's legislative leader under the State Officials

1 and Employees Ethics Act with respect to that member's
2 legislative assistants.

3 As used in this Section the term "personal services" shall
4 include contributions of the State under the Federal Insurance
5 Contribution Act and under Article 14 of the Illinois Pension
6 Code. As used in this Section the term "contractual services"
7 shall not include improvements to real property unless those
8 improvements are the obligation of the lessee under the lease
9 agreement. Beginning July 1, 1989, as used in the Section, the
10 term "travel" shall be limited to travel in connection with a
11 member's legislative duties and not in connection with any
12 political campaign. Beginning on the effective date of this
13 amendatory Act of the 93rd General Assembly, as used in this
14 Section, the term "printing" includes, but is not limited to,
15 newsletters, brochures, certificates, congratulatory mailings,
16 greeting or welcome messages, anniversary or birthday cards,
17 and congratulations for prominent achievement cards. As used in
18 this Section, the term "printing" includes fees for
19 non-substantive resolutions charged by the Clerk of the House
20 of Representatives under subsection (c-5) of Section 1 of the
21 Legislative Materials Act. No newsletter or brochure that is
22 paid for, in whole or in part, with funds provided under this
23 Section may be printed or mailed during a period beginning July
24 ~~December~~ 15 of the year of preceding a general primary election
25 and ending the day after the ~~general primary election and~~
26 ~~during a period beginning September 1 of the year of a general~~

1 ~~election and ending the day after the~~ general election, except
2 that such a newsletter or brochure may be mailed during that
3 time ~~those times~~ if it is mailed to a constituent in response
4 to that constituent's inquiry concerning the needs of that
5 constituent or questions raised by that constituent. Nothing in
6 this Section shall be construed to authorize expenditures for
7 lodging and meals while a member is in attendance at sessions
8 of the General Assembly.

9 Any utility bill for service provided to a member's
10 district office for a period including portions of 2
11 consecutive fiscal years may be paid from funds appropriated
12 for such expenditure in either fiscal year.

13 If a vacancy occurs in the office of Senator or
14 Representative in the General Assembly, any office equipment in
15 the possession of the vacating member shall transfer to the
16 member's successor; if the successor does not want such
17 equipment, it shall be transferred to the Secretary of the
18 Senate or Clerk of the House of Representatives, as the case
19 may be, and if not wanted by other members of the General
20 Assembly then to the Department of Central Management Services
21 for treatment as surplus property under the State Property
22 Control Act. Each member, on or before June 30th of each year,
23 shall conduct an inventory of all equipment purchased pursuant
24 to this Act. Such inventory shall be filed with the Secretary
25 of the Senate or the Clerk of the House, as the case may be.
26 Whenever a vacancy occurs, the Secretary of the Senate or the

1 Clerk of the House, as the case may be, shall conduct an
2 inventory of equipment purchased.

3 In the event that a member leaves office during his or her
4 term, any unexpended or unobligated portion of the allowance
5 granted under this Section shall lapse. The vacating member's
6 successor shall be granted an allowance in an amount, rounded
7 to the nearest dollar, computed by dividing the annual
8 allowance by 365 and multiplying the quotient by the number of
9 days remaining in the fiscal year.

10 From any appropriation for the purposes of this Section for
11 a fiscal year which overlaps 2 General Assemblies, no more than
12 1/2 of the annual allowance per member may be spent or
13 encumbered by any member of either the outgoing or incoming
14 General Assembly, except that any member of the incoming
15 General Assembly who was a member of the outgoing General
16 Assembly may encumber or spend any portion of his annual
17 allowance within the fiscal year.

18 The appropriation for the annual allowances permitted by
19 this Section shall be included in an appropriation to the
20 President of the Senate and to the Speaker of the House of
21 Representatives for their respective members. The President of
22 the Senate and the Speaker of the House shall voucher for
23 payment individual members' expenditures from their annual
24 office allowances to the State Comptroller, subject to the
25 authority of the Comptroller under Section 9 of the State
26 Comptroller Act.

1 (Source: P.A. 95-6, eff. 6-20-07.)

2 Section 15. The Legislative Commission Reorganization Act
3 of 1984 is amended by changing Section 9-2.5 as follows:

4 (25 ILCS 130/9-2.5)

5 Sec. 9-2.5. Newsletters and brochures. The Legislative
6 Printing Unit may not print for any member of the General
7 Assembly any newsletters or brochures during the period
8 beginning July ~~December~~ 15 of the year of ~~preceding~~ a general
9 primary election and ending the day after the ~~general primary~~
10 ~~election and during a period beginning September 1 of the year~~
11 ~~of a general election and ending the day after the~~ general
12 election. A member of the General Assembly may not mail, during
13 a period beginning July ~~December~~ 15 of the year of ~~preceding~~ a
14 general primary election and ending the day after ~~the general~~
15 ~~primary election and during a period beginning September 1 of~~
16 ~~the year of a general election and ending the day after the~~
17 general election, any newsletters or brochures that were
18 printed, at any time, by the Legislative Printing Unit, except
19 that such a newsletter or brochure may be mailed during that
20 time ~~those times~~ if it is mailed to a constituent in response
21 to that constituent's inquiry concerning the needs of that
22 constituent or questions raised by that constituent.

23 (Source: P.A. 95-6, eff. 6-20-07.)

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.